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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,200

07/05/2005

Satoru Nawata

124577

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07/14/2008

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,200

Applicant(s)

NAWATA, SATORU

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The language of the last lines of claims 1 and 2 includes new matter since there is no disclosure in the application as originally filed that the same linear body is allowed to pass through all of the temporarily storing means repeatedly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Durofil et al (U.S. Pat. No. 5,450,154).

Durofil et al discloses a temporary storage device for a linear body 7 comprising: a plurality of temporarily storing means 30, 31 having a plurality of freely rotatable upper rollers 1, 2 arranged parallel with each other in a lateral direction and having parallel axes, a plurality of lower rollers 3, 4 arranged directly below spaces between adjacent upper rollers and capable of relatively moving toward and away from the upper rollers and having rotary axes parallel to those of the upper rollers, and guiding means (guide rollers for section 32 of linear body 7 in Fig. 2) for guiding the linear body 7 from an outlet of one temporarily storing means to the inlet of another. The linear body 7 travels over the rollers of each temporarily storing means to form a festoon. The method of claim 1 is inherent in the operation of the apparatus of Durofil et al. The linear body is allowed to sequentially pass through all of the temporarily storing means repeatedly to the extent possible in applicant's apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durofil et al (U.S. Pat. No. 5,450,154) in view of Seaborn (U.S. Pat. No. 4,407,767).

Durofil et al is described above.

Durofil et al does not disclose an abnormal tensile force detecting means on the downstream side apart from the outlet of the temporarily storing device.

Seaborn teaches providing an apparatus for feeding a linear body 28 with an abnormal tensile force detecting means 32 to stop the apparatus when excess tensile force is detected to prevent damage to the linear body 28.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Durofil et al with an abnormal tensile force detecting means as taught by Seaborn to prevent damage to the linear body and the apparatus. It would have been obvious to locate an abnormal tensile force detecting means at least on the downstream side apart from the outlet of the temporarily storing device since this is where the maximum tension would occur.

Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durofil et al in view of Seaborn as applied to claims 4, 7, and 8 above, and further in view of Henk (U.S. Pat. No. 4,532,500).

Durofil et al does not disclose an abnormal tensile force detecting means including a detection roller rotatably supported at an end portion of an oscillating arm and a magnet for fixing the position of the oscillating arm.

Henk teaches providing a feeder for a linear body 34 with an abnormal tensile force detecting means including a detection roller 38 on an oscillating arm 30.

Seaborn teaches providing an abnormal tensile force detecting means with a magnet 40 that attracts a fixing member for setting an excess tensile force level.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Durofil et al with an abnormal tensile force detecting means including a detection roller on an oscillating arm 30 as taught by Henk to minimize damage to the linear body and resistance to feeding of the linear body by the abnormal tensile force detecting means. It would have been obvious to provide the abnormal tensile force detecting means with a magnet as taught by Seaborn to fix an end of the oscillating arm to establish the excess tensile force level at which the detecting means is triggered. It would have been an obvious reversal of parts to attach the magnet to the oscillating arm and cause it to attract the fixing member since either of these two possible arrangements would provide the desired function.

Response to Arguments

Applicant's arguments filed 4/18/08 have been fully considered but they are not persuasive.

Applicant argues that, in Durofil, the strip photographic material does not pass through all the temporarily storing means repeatedly while forming a festoon as in Fig. 1 of Durofil. Firstly, it is noted that the material in applicant's apparatus passes through each temporarily storing means only once, i.e., any given portion of the material enters

the device at N, travels through the storage buffer, once over each temporarily storing means, and exits through X. The material does not return to inlet N after leaving exit X. Secondly, Durofil discloses a plurality of temporarily storing means 30, 31 (e.g., Fig. 2) arranged parallel to each other as in applicant's apparatus. Material passes through them sequentially as in applicants device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the addition to the last lines of claims 1 and 2 of the limitation requiring the same linear body to sequentially pass through all of the temporarily storing means repeatedly. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/
7/8/08
/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654